

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: § Attorney Docket: 40232.78
Weimer §
Serial No.: 09/852,992 § Confirmation No.: 5859
Filed: May 10, 2001 § Patent Number: 6,838,121
For: System and Method for Controlling § Issue Date: January 4, 2005
Deposition Parameters in Producing a §
Surface to Tune the Surface's Plasmon § Customer Number: 27683
Resonance Wavelength §

Director of the United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450
Mail Stop 16

REQUEST FOR REFUND

Dear Sir:

On July 7, 2008, Patentee inadvertently submitted payment for the First Maintenance Fee (amount totaling \$930.00) under Large Entity status. The United States Patent and Trademark Office incorrectly listed the patent as being subject to Large Entity fees on both the Notice of Allowance and Maintenance Fee payment system, even though the patent is and always has been entitled to small entity status. Nonetheless, a Notice of Change in Entity Status is being submitted concurrently herewith.

In accordance with 37 CFR§1.28(a), this request is being filed within three (3) months of the date the First Maintenance Fee was paid. As Patentee's submission of the Large Entity fee was inadvertent, Patentee respectfully requests a refund of \$465.00 to be credited to the Deposit Account of Haynes and Boone, LLP Number 08-1394.

Respectfully submitted,



Dated: 12 AUG 2008
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214-651-5533
Facsimile: 214-200-0853
D1671707.1

David L. McCombs
Registration No. 32,271

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8
I hereby certify that this correspondence and any corresponding filing fee is being transmitted via the Electronic Filing System (EFS) Web with the United States Patent and Trademark Office on AUGUST 12, 2008.

RANDI ROSS-QUICK
Printed Name
Randi Ross-Quick
Signature